

असाधारण EXTRAORDINARY भाग II — खण्ड 2

PART II — Section 2 प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 12th March 2001:—

Bill No. XXXIII of 2001

A Bill further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Indian Medical Council (Amendment) Act, 2001.

Short title .

102 of 1956.

2. In the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), in section 13,—

Amendment of section 13

- (a) in sub-section (3), after the words "granted by medical institutions outside India", the words "before such date as the Central Government may, by notification in the Official Gazette, specify" shall be inserted;
- (b) in sub-sectiofn (4), the following provisos and Explanation shall be inserted at the end, namely:—-

'Provided that after the commencement of the Indian Medical Council (Amendment) Act, 2001, no such amendment shall be made in Part II of the Third Schedule to include any primary medical qualification granted by any medical institution outside India:

Provided further that nothing contained in the first proviso shall apply to inclusion in Part II of the Third Schedule any primary medical qualification granted by any medical institution outside India to any person whose name is entered in the Indian Medical Register.

Explanation.—For the purposes of this sub-section, "primary medical qualification" means any minimum qualification sufficient for enrolment on any State Medical Register or for entering the name in the Indian Medical Register.";

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) A person who is a citizen of India and obtains medical qualification granted by any medical institution in any country outside India recognised for enrolment as medical practitioner in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be enrolled on any Medical Register maintained by a State Medical Council or to have his name entered in the Indian Medical Register unless he qualifies the screening test in India prescribed for such purpose and such foreign medical qualification after such person qualifies the said screening test shall be deemed to be the recognised medical qualification for the purposes of this Act for that person.

(4B) A person who is a citizen of India shall not, after such date as may be specified by the Central Government under sub-section (3), be eligible to get admission to obtain medical qualification granted by any medical institution in any foreign country without obtaining an eligibility certificate issued to him by the Council and in case any such person obtains such qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test referred to in sub-section (4A):

Provided that an Indian citizen who has acquired the medical qualification from foreign medical institution or has obtained admission in foreign medical institution before the commencement of the Indian Medical Council (Amendment) Act, 2001 shall not be required to obtain eligibility certificate under this sub-section but, if he is qualified for admission to any medical course for recognised medical qualification in any medical institution in India, he shall be required to qualify only the screening test prescribed for enrolment on any State Medical Register or for entering his name in the Indian Medical Register.

(4C) Nothing contained in sub-sections (4A) and (4B) shall apply to the medical qualifications referred to in section 14 for the purposes of that section.".

Amendment of section 33.

3. In section 33 of the principal Act, after clause (m), the following clause shall be inserted, namely:—

"(ma) the modalities for conducting screening tests under sub-section (4A), and under the proviso to sub-section (4B), and for issuing eligibility certificate under sub-section (4B) of section 13;".

STATEMENT OF OBJECTS AND REASONS

The Indian medical Council Act, 1956 contains provisions in sections 12, 13 and 14 with a view to recognizing medical qualifications granted by medical institutions in foreign countries.

- 2. Over a period of time it has come to the notice that a large number of private agencies sponsor students for medical studies in institutions outside India for commercial considerations. Such students also include the students who did not fulfil the minimum eligibility requirements for admission to medical courses in India. Serious aberrations have been noticed in the standards of medical education in some of the foreign countries which are not at par with the standards of medical education available in India. Due to lack of uniformity in the standards of medical education in various foreign countries, it has been decided that a provision should be made in the Indian Medical Council Act, 1956 to enable the Medical Council of India to conduct a screening test in order to satisfy itself with regard to the adequacy of knowledge and skills acquired by citizens of India who obtain medical qualifications from universities or medical institutions outside India before they are granted registration to practice medicine in India.
- 3. Further, issue of prior eligibility certificate by the Medical Council of India would ensure that only those conditions who conform to the Council norms of admission to the medical college in India would go for under-graduate medical education outside India.
 - 4. The Bill seeks to achieve the above objects.

C. P. THAKUR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to amend section 33 of the Indian Medical Council Act, 1956 to insert therein clause (ma) which empowers the Medical Council of India, with the previous sanction of the Central Government, to make regulations to provide for the modalities for conducting screening tests under sub-section (4A), and under the proviso to sub-section (4B), and for issuing eligibility certificate under sub-section (4B) of section 13.

2. The matters in respect of which such regulations may be made relate to procedure and administrative details and it is not practicable to provide them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

R. C. TRIPATHI, Secretary-General.